The resolution was read second time, and was adopted by the following vote:

Yeas-64

Hoskins. Alsub. Hyder. Anderson Jones of Runnels. of Bexar. Jones of Shelby. Baker. Latham. Barrett. Bourne. Lemens. Lindsey. Burns. Butler. Lotief. Canon. Mackay. Cathey. McCullough. Chastain. McGregor. Colson. McKee. Merritt. Coombes. Cowley. Moore. Daniel. Morse. Davidson. Palmer. Dunagan. Parkhouse. Dwyer. Ramsey. Engelhard. Reed of Dallas. Few. Renfro. Golson. Rogers of Ochiltree. Good. Rogers of Hunt. Goodman. Rollins. Griffith. Russell. Haag. Scarborough. Hankamer. Steward. Harrison. Stinson. Head. Stovall. Hicks. Turlington. Hill of Brazoria. Winningham. Holekamp. Wood. Holland. Young.

Nays—40

Adamson. Jones of Atascosa. Kyle of Hays. Aikin. Anderson McClain. of Johnson. McDougald. Barron. Metcalfe. Beck. Mitcham. Bedford. Mcffett. Camp. Morrison. Crossley. Puryear. Dean. Ratliff. Devall. Ray. Reed of Bowie. Fain. Fisher. Shults. Glass. Smith. Graves. Stanfield. Harris. Sullivant. Hester. Tennyson. Huddleston. Townsend. Hunt. Van Zandt. Johnson Walker. of Dimmit. Wells.

Present—Not Voting

Magee.

Holloway.

Absent

Alexander. Calvert. Bradley. Caven.

Clayton. Mathis. Dunlap. Munson. Nicholson. Duvall. Ford. Patterson. Fuchs. Pavlica. Pope. Greathouse. Harman. Reader. Hartzog. Hill of Webb. Riddle. Roberts. Hodges. Ross. Hughes. Savage. Jackson. Scott. James. Shannon. Tarwater. Jefferson. Johnson Thomas. of Anderson. Tillery. Kayton. Vaughan. Kyle of Palo Pinto. Weinert. West. Laird. Leonard.

Absent-Excused

Long.

Wagstaff.

REASONS FOR VOTES

I vote against the \$10 per day because I am on record and pledged to cut expenses whenever and wherever I can. To be conservative and consistent, I think every Member should start reducing governmental expenses by accepting a reduction in their own compensation.

CAMP.

I vote "nay" on this resolution because I want to be on record as voting at all times to reduce expenses of this State, and I am glad to begin by voting to cut my own salary.

AIKIN.

ADJOURNMENT

On motion of Mr. Anderson of Bexar, the House, at 3:30 o'clock p. m., adjourned until 10 o'clock a. m., next Monday, January 16.

FIFTH DAY

(Monday, January 16, 1933)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called and the following Members were present:

Mr. Speaker. Adamson. Aikin. Alexander. Alsup. Anderson of Johnson.

der. Baker.

Barrett. Jones of Shelby. Barron. Kayton. Beck. Kyle of Hays. Bedford. Laird. Bourne. Latham. Bradley. Lemens. Burns. Leonard. Butler. Lindsey. Calvert. Long. Camp. Lotief. Canon. Magee. Cathey. Mackay. Caven. Mathis. Chastain. McClain. Clayton. McCullough. Colson. McGregor. Cowley. McKee. Crossley. Merritt. Daniel. Metcalfe. Davidson. Mitcham. Dean. Moffett. Devall. Moore. Morrison. Dunlap. Dunagan. Morse. Duvall. Palmer. Dwyer. Parkhouse. Engelhard. Patterson. Pavlica. Fain. Few. Pope. Fisher. Puryear. Ford. Ramsey. Fuchs. Ratliff. Glass. Reader. Golson. Reed of Bowie. Good. Reed of Dallas. Goodman. Renfro. Riddle. Greathouse. Griffith. Roberts. Haag. Rogers of Hunt. Hankamer. Rogers of Ochiltree. Harman. Rollins. Harris. Ross. Harrison. Russell. Hartzog. Savage. Head. Scarborough. Hester. Scott. Hicks. Shannon. Hill of Brazoria. Shults. Hill of Webb. Stanfield. Hodges. Steward. Holekamp. Stinson. Holland. Stovall. Holloway. Sullivant. Hoskins. Tarwater. Huddleston. Tennyson. Hughes. Thomas. Tillery. Hunt. Hvder. Townsend. Turlington. Jackson. Van Zandt. James. Jefferson. Vaughan. Walker. Johnson of Anderson. Weinert. Johnson Wells. of Dimmit. West. Jones of Atascosa. Wood. Jones of Runnels. Young.

Absent

Anderson of Bexar.

Munson.

Graves. Smith.

Absent—Excused

Coombes. Nicholson. Kyle of Palo Pinto. Ray. McDougald. Wagstaff.

Ray. Wagstaff. Winningham.

A quorum was announced present. Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Kyle of Palo Pinto for today, on motion of Mr. Fain.

Mr. McDougald for today, on motion of Mr. Parkhouse.

Mr. Munson for today, on motion of Mr. Parkhouse.

Mr. Coombes for today, on motion of Mr. Scott.

Mr. Weinert for last Saturday, on motion of Mr. Pope.

Mr. Ray was granted leave of absence for today on account of a death in his family, on motion of Mr. Johnson of Dimmit.

Mr. Winningham was granted leave of absence for today on account of illness, on motion of Mr. Johnson of Dimmit.

Mr. Nicholson was granted leave of absence for today on account of illness, on motion of Mr. Parkhouse.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Vaughan:

H. B. No. 72, A bill to be entitled "An Act to amend Articles 1847 and 1848, Chapter 3, Title 39, Revised Civil Statutes of Texas of 1925, as amended by the Act of the Forty-second Legislature, Chapter 64, Senate Bill No. 60, approved April 21, 1931, providing for the filing of records in the Courts of Civil Appeals in the order received by the clerk of that Court, for setting cases for submission, etc., and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Hunt:

H. B. No. 73, A bill to be entitled "An Act to repeal Section 16, Chapter 272, p. 457, General Laws of Texas, Regular Session, 1931, Forty-second Legislature, the same being the provision that no aid shall be granted to any school located within two and one-half miles of another school of the same race, and declaring an emergency."

Referred to Committee on Educa-

tion.

By Mr. Hester:

H. B. No. 74, A bill to be entitled "An Act to amend Article 2549, of the Revised Civil Statutes of Texas, for 1925, so that the requirements and provisions of said Article shall remain and be the same as at the present, except that it shall provide that the funds deposited by the tax collector of each county shall bear interest on daily balances 'at the rate, of any, fixed for such deposits of the tax collector by the commissioners court in its order designating such depository or depositories,' etc., and declaring an emergency.

Referred to Committee on Revenue

and Taxation.

By Mr. Bedford:

H. B. No. 75, A bill to be entitled "An Act making an appropriation to be paid out of any funds not otherwise appropriated, and credited to the Sand, Shell, and Gravel Fund in the State Treasury, as an emergency to cover refund of State tax on mudshell due Galveston County, and declaring an emergency.

Referred to Committee on Appro-

priations.

By Mr. Bedford:

H. B. No. 76, A bill to be entitled "An Act making an appropriation to be paid out of any funds not otherwise appropriated, and credited to the Sand, Shell, and Gravel Fund in the State Treasury, as an emergency to cover refund of State tax on mudshell due the city of Texas City, Texas, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Burns:

submitting special issues in trial of the city of Vernon, Texas; and

civil cases in the district and county court, and declaring an emergency.'

Referred to Committee on Judiciary.

By Mr. Pope, Mr. Morse, Mr. Dunlap, Mr. West, Mr. Holland, and Mr. Lemens:

H. B. No. 78, A bill to be entitled "An Act to define, register and regulate real estate brokers within the State of Texas, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Few, Mr. Stovall, Mr. Puryear, and Mr. Jones of Runnels:

H. B. No. 79, A bill to be entitled "An Act to amend Article 1694 of the Revised Civil Statutes of Texas, of 1925, and enlarge the powers of commissioners court to contract with existing libraries for county free library privileges instead of establishing a separate county free libra-

Referred to Committee on State Affairs.

By Mr. Tennyson, Mr. Long, and Mr. Walker:

H. B. No. 80, A bill to be entitled "An Act to amend Section 28, as heretofore amended by Chapter 5, page 14, of the Special Laws of the Regular Session of the Forty-second Legislature; of Chapter 36, page 359, of the Acts of the Thirty-first Legislature, approved March 15, 1909, entitled: 'An Act to validate the Wichita Falls Independent School District, in Wichita County, Texas,' (and for other purposes), etc., and declaring an emergency."

Referred to Committee on Education.

TO GRANT J. D. DAVIS PERMIS-SION TO SUE THE STATE

Mr. Walker offered the following resolution:

H. C. R. No. 5, To grant J. D. Davis permission to sue the State:

Whereas, On or about the 22nd day of November, A. D. 1929, J. D. Davis, of Vernon, Texas, who was then in the employ of the State Highway Department of Texas and was working H. B. No. 77, A bill to be entitled in the vicinity of Vernon, Texas, on "An Act regulating the practice of | Highway No. 5, leading east out of Whereas, The said J. D. Davis, while in the discharge of his duties, was seriously injured and is still suffering from the effect of the injury and has not been able to do any work since said injury; and

Whereas, Said J. D. Davis has never been compensated by the State for the injuries received while in its employ and is in destitute circumstances at this time due to the fact that his injury has forced him to expend all of his savings; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said J. D. Davis be, and is hereby, granted permission to bring suit against the State of Texas in a court of competent jurisdiction in order to determine what compensation, if any, he is entitled to receive by reason of such injuries and that in case such suit be filed, service of citation or other necessary process may be had upon the Highway Commission and the Attorney General with the same force and effect as is made and provided in civil cases.

The resolution was read second time.

On motion of Mr. Engelhard, the resolution was, by unanimous consent, referred to the Committee on State Affairs.

(Mr. Moffett in the Chair.)

PROVIDING FOR JOINT SESSION
OF THE HOUSE AND SENATE
FOR THE PURPOSE OF INAUGURATING GOVERNOR-ELECT AND
LIEUTENANTGOVERNORELECT

Mr. McGregor offered the following resolution:

H. C. R. No. 6, Providing for a Joint Session of the House and Senate for the purpose of inaugurating the Governor-elect and Lieutenant-Governor-elect.

Be it resolved by the House of Representatives, the Senate concurring, That the House of Representatives and Senate meet in Joint Session at 11:30 a. m., Tuesday, January 17, 1933, in the Hall of the House of Representatives, for the purpose of inaugurating Governor Miriam A. Ferguson as Governor of Texas, and Hon.

Edgar E. Witt as Lieutenant-Governor of Texas, for the ensuing period of two years.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Senate Chamber, Austin, Texas, January 12, 1933. Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 1, A bill to be entitled "An Act providing for the ordering of special elections to fill public offices and for fixing the time for the holding thereof; providing that special elections shall be ordered to fill vacancies in certain public offices; providing that special elections be ordered to elect a person to fill the unexpired term and a person to fill the succeeding term in certain offices where the incumbent is reelected and thereafter dies, resigns, or for any other reason a vacancy occurs in the unexpired term, and no person is legally entitled to fill the term to which the former officer was elected to succeed himself; providing that an election shall be ordered upon acceptance of resignation of the incumbent of certain offices where he tenders a resignation effective at a future date, to select a successor to the incumbent for the unexpired term; providing that where the officer-elect of certain offices dies before qualifying or becomes ineligible to qualify for the office to which he was elected, an election to select a successor to the incumbent shall immediately be ordered; designating the Governor as the proper officer to receive and accept resignations of public officers where no other officer is authorized to receive same; repealing Article 2952, Revised Civil Statutes of 1925; validating elections heretofore made where same would have been authorized under this Act; providing that if any section, paragraph, or provision hereof be held unconstitutional or invalid the remaining portions of this Act shall not be affected but shall remain in force and effect; and declaring an emergency."

Respectfully,

BOB BARKER, Secretary of the Senate.

RECESS

On motion of Mr. Thomas, the House, at 10:40 o'clock a. m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by Mr. Moffet.

MESSAGE FROM THE SENATE

Senate Chamber. Austin, Texas, January 16, 1933. Hon. Coke Stevenson, Speaker of the House of Representatives.

I am directed by the Senate to inform the House that the Senate has refused to adopt conference report on Senate Concurrent Resolution No. 3, and requests the appointment of a new conference committee. The following have been appointed on the part of the Senate: Senators Regan, Stone, Blackert, Redditt, and Rawlings.

The Senate has adopted

H. C. R. No. 6, Relative to Joint Session of the House and Senate for the purpose of inaugurating the Honorable Miriam A. Ferguson and the Honorable Edgar E. Witt, Governor and Lieutenant-Governor, respectively.

> Respesctfully, BOB BARKER, Secretary of the Senate.

CONFERENCE COMMITTEE ON SENATE CONCURRENT RESOLUTION NO. 3

On motion of Mr. Scott, the House granted the request of the Senate for the appointment of a new conference committee on Senate Concurrent Resolution No. 3.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Ramsey, Scott, Head, Steward, and Dunagan.

RELATIVE TO THE TEMPORARY COMMITTEE ON RULES

Mr. Pope asked unanimous consent of the House that the time heretofore designated by a resolution adopted by the House, relative to the adoption matters submitted by the Governor in of Temporary Rules and the appoint-| special messages to the Legislature,

ment of a Temporary Committee on Rules, be extended until next Wednes-

There was no objection offered, and was so ordered.

TO AMEND HOUSE RULE XVII, SECTION 2

Mr. Morse offered the following resolution:

Resolved, That House Rule XVII Section 2, be amended by adding at the end thereof a new paragraph, to read as follows:

"Concurrent resolutions which permit the bringing of suits against the State of Texas, or any department thereof, shall be referred to the proper committee upon introduction the same as bills."

The resolution was read second time, and was referred by the Speaker to the Committee on Rules.

TO AMEND HOUSE RULE XIX, SECTION 5

Mr. Johnson of Dimmit offered the following resolution:

Resolved by the House of Representatives of the Forty-third Legisture, That the following words of Section 5, of Rule XIX, as shown on page 388, of the 1931 Legislative Manual, be stricken out, viz.:

"Provided, however, no bill or joint resolution shall be introduced in the House after the first sixty days of a Regular Session of the Legislature except by consent of a two-thirds vote of the House; and if so ordered by a two-thirds vote, such bill or joint resolution shall then be referred to a committee for consideration, the same as other bills and joint resolutions. It is further provided, that after the first sixty days, when a Member desires to introduce a bill or joint resolution, he shall be allowed five minutes in which to explain the purposes of his bill, the vote then being taken without further debate."

And insert in lieu thereof, the following:

"Provided, however, that after the first forty-five days of a Regular Session, no bill shall be introduced in the House, except local bills, emergency appropriations, and all emergency

unless otherwise directed by an affirmative record vote of four-fifths of its Membership."

The resolution was read second time, and was referred by the Speaker to the Committee on Rules.

PROVIDING FOR THE ADOPTION OF A MASCOT OF THE HOUSE

Mr. Hunt and Mr. Good offered the following resolution:

Whereas, We have with us today, the proper person for the office of Mascot of the House of Representatives for the Forty-third Legislature; therefore, be it

Resolved, That Charles Lee Tennyson, son of one of our distinguished Members, be, and he is hereby, officially named by this House as mascot of the House of Representatives for the Forty-third Legislature of the State of Texas; and be it further

Resolved, That said mascot have his picture made and placed with the Members of the House in the official group of this Body, when and if said official group picture is provided for.

The resolution was read second time.

Mr. Metcalfe offered the following amendment to the resolution:

Amend resolution to add name of "Joe W. McCullough, Jr."

The amendment was adopted.

The resolution, as amended, was then adopted.

Mr. Thomas moved that the mascots of the House of Representatives of the Forty-third Legislature, be introduced to the House.

The motion prevailed.

The Chair then introduced Joe Mc-Cullough, Jr., of Collin County, and Charles Tennyson, Jr., of Wichita County.

CONFERENCE COMMITTEE RE-PORT ON SENATE CONCUR-RENT RESOLUTION NO. 3

Mr. Ramsey submitted the following conference committee report on Senate Concurrent Resolution No. 3: Barrett.

Committee Room, Austin, Texas, January 16, 1933.

To the Hon. Coke Stevenson, Speaker of the House of Representatives, and the Hon. Walter Woodul. President Pro Tempore of the

Sirs: We, your conference committee, appointed to confer on Senate Concurrent Resolution No. 3, beg leave to report that we have considered same and ask that it do pass in the following form:

S. C. R. No. 3:

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, That the salary and per diem of the Members of the House of Representatives and of the Senate is hereby fixed and shall be ten dollars (\$10) per day. Be it further

Resolved, In addition to the per diem, the Members of each House shall be entitled to mileage in going to and returning from the seat of government, which mileage shall be two dollars and fifty cents (\$2.50) for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel, from a table of distance prepared by the Comptroller to each county seat, now or hereafter to be established; no Member to be entitled to mileage for any extra session that may be called in one (1) day after the adjournment of the Regular or any Called Session of this Legislature.

Respectfully submitted,

BLACKERT, STONE, REGAN RAWLINGS,

On the part of the Senate;

RAMSEY, SCOTT, HEAD. STEWARD, DUNAGAN,

On the part of the House.

On motion of Mr. Ramsey, the report was adopted by the following vote:

Yeas-80

Alexander. Alsup.

Bourne. Bradley. Burns.

Canon. Mackay. McCullough. Caven. McGregor. Chastain. Colson. McKee. Cowley. Mitcham. Moore. Daniel. Davidson. Morse. Palmer. Devall. Dunagan. Patterson. Engelhard. Pavlica. Few. Pope. Fisher. Ramsev. Reader. Reed of Dallas. Ford. Golson. Renfro. Good. Goodman. Riddle. Greathouse. Roberts. Rogers of Hunt. Griffith. Haag. Rogers of Ochiltree. Harris. Rollins. Head. Hicks. Ross. Hill of Brazoria. Hill of Webb. Russell. Scarborough. Hodges. Scott. Holekamp. Shults. Holland. Smith. Hoskins. Steward. Hyder. Stinson. Johnson Stovall. Tarwater. of Anderson. Jones of Shelby. Thomas. Kayton. Turlington. Kyle of Hays. Van Zandt. Latham. Weinert. Winningham. Long. Lotief. Wood. Young. Magee.

Nays—39

Adamson. Jones of Atascosa. Aikin. Jones of Runnels. Anderson Laird. of Johnson. Lindsey. Beck. McClain. Bedford. Merritt. Metcalfe. Calvert. Moffett. Camp. Cathey. Morrison. Crosslev. Parkhouse. Dean. Puryear. Ratliff. Fain. Fuchs. Reed of Bowie. Glass. Stanfield. Hester. Tennyson. Huddleston. Tillery. Hughes. Townsend. Hunt. Vaughan. James. Walker. Johnson Wells. of Dimmit.

Absent

Anderson Harrison. of Bexar. Hartzog. Baker. Holloway. Barron. Jackson. Butler. Jefferson. Clayton. Lemens. Dunlap. Leonard. Mathis. Duvall. Dwyer. Savage. Graves. Shannon. Hankamer. Sullivant. Harman. West.

Absent—Excused

Coombes. Nicholson.

Kyle of Palo Pinto. Ray.

McDougald. Wagstaff.

Munson.

REASON FOR VOTE

I voted against the resolution. I believe Members of the Legislature should be willing to reduce their own salaries 20 per cent, or more.

GLASS.

MESSAGE FROM THE SENATE

Senate Chamber, Austin, Texas, January 16, 1933. Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted conference committee report on Senate Concurrent Resolution No. 3, by the following vote: yeas, 14; nays, 11.

RELATIVE TO ADMISSION TO THE HALL OF THE HOUSE

Mr. McGregor moved that the Sergeant-at-Arms of the House be instructed to enforce the provision of House Rule XXIX, from the time the doors of the House are opened on Tuesday, January 17, during the inaugural ceremonies.

The motion prevailed unanimously.

ADJOURNMENT

On motion of Mr. Parkhouse, the House, at 5:30 o'clock p. m., adjourned until 10 o'clock a. m., to-morrow.

In Memory of

Major Lewis L. McInnis

Mr. Butler offered the following resolution:

Whereas, Our Supreme Ruler saw fit to call to his eternal reward on January 15, 1933, Major Louis L. McInnis, a former chairman of the faculty of the Texas Agricultural and Mechanical College; and

Whereas, The said Major Louis L. McInnis had a long and distinguished career in his service to the A. & M. College of Texas, having been a member of one of the first faculties of the college; therefore, be it

Resolved by the House of Representatives, That the sympathy of this Body be extended to his wife and children who survive him, and that a page of the House Journal be dedicated to his memory; that a copy of this resolution be mailed by the Chief Clerk to each surviving member of his family; and that when the House adjourns today, it do so out of honor and respect to Major McInnis' memory.

The resolution was read second time.

On motion of Mr. Parkhouse, the names of all the Members of the House were added to the resolution as signers thereof.

Signed-Stevenson, Speaker; Adamson, Aikin, Alexander, Alsup, Anderson of Bexar, Anderson of Johnson, Baker, Barrett, Barron, Beck, Bedford, Bourne, Bradley, Burns, Calvert, Camp, Canon, Cathey, Caven, Chastain, Clayton, Colson, Coombes, Cowley, Crossley, Daniel, Davidson, Dean, Devall, Dunagan, Dunlap, Duvall, Dwyer, Engelhard, Fain, Few, Fisher, Ford, Fuchs, Glass, Golson, Good, Goodman, Graves, Greathouse, Griffith, Haag, Hankamer, Harman, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill of Brazoria, Hill of Webb, Hodges, Holekamp, Holland, Holloway, Hoskins, Huddleston, Hughes, Hunt, Hyder, Jackson, James, Jefferson, Johnson of Dimmit, Johnson of Anderson, Jones of Runnels, Jones of Shelby, Jones of Atascosa, Kayton, Kyle of Palo Pinto, Kyle of Hays, Laird, Latham, Lemens, Leonard, Lindsey, Long, Lotief, Magee, Mackay, Mathis, McClain, McCullough, McDougald, McGregor, McKee, Merritt, Metcalfe, Mitcham, Moffett, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Parkhouse, Patterson, Pavlica, Pope, Puryear, Ramsey, Ratliff, Ray, Reader, Reed of Bowie, Reed of Dallas, Renfro, Riddle, Roberts, Rogers of Ochiltree, Rogers of Hunt, Rollins, Ross, Russell, Savage, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Stovall, Sullivant, Tarwater, Tennyson, Thomas, Tillery, Townsend, Turlington, Van Zandt, Vaughan, Wagstaff, Walker, Weinert, Wells, West, Winningham, Wood, Young.

The resolution was then adopted by a rising vote.